

**Notice of Allowability**

Application No.

10/585,155

Examiner

Chukwuma O. Nwaonicha

Applicant(s)

NGUYEN, BINH THANH

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 21 August 2007.
2. ☒ The allowed claim(s) is/are 1-16.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

### ***DETAILED ACTION***

#### ***Current Status***

1. This action is responsive to Applicants' amendment of 21 August 2007.
2. Receipt and entry of Applicants' amendment is acknowledged.
3. Claims 1-16 are pending in the application.
4. Applicants have amended the claims to overcome the 103 rejection.
5. The obviousness-type double patenting rejection of claims 1-16 is withdrawn following Applicants amendment.

**This application is a 371 of PCT/US04/43006 12/17/2004 which claims benefit of 601534,442 01106/2004.**

#### ***Allowed Claims***

Claims 1-16 are allowable over the prior art of record.

#### ***Reason For Allowance***

The following is an examiner's statement of reasons for allowance: A search of the prior art failed to uncover any reference that anticipates or renders obvious a process for preparing diphenylchlorosilanes by the Grignard process comprising contacting a phenyl Grignard reagent, an ether solvent, a trichlorosilane, and an aromatic halogenated coupling solvent as claimed by applicants.

The closest prior art is Barry, {GB 622970}. Barry teaches a process for making substituted monochlorosilanes of the type  $RR'SiHCl$ , where R and R' are aryl radicals, by the reaction of  $SiHCl_3$  and  $R'MgX$  in the presence of diethyl ether or benzene as a reaction medium.

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However, Applicants argue that Barry process differs from the instantly claimed process in that Applicants claim a process that employs aromatic halogenated coupling solvent such as chlorobenzene while Barry teach a process that employed benzene as a solvent. Applicants point out that this is a significant difference since the halogenated solvent acts not only as a solvent but also a reactant, and that it would not be obvious to one skilled in the art to substitute chlorobenzene or other halogenated aromatic solvents for benzene. The Examiner found Applicants arguments convincing because Grignard process is traditionally known to employ hydrocarbon solvent or ether solvent as a reaction medium. The two reactions are in different chemical environment, and require different process conditions. These differences are not readily apparent and would not have been suggested to one of ordinary skill.

**All claims (1-16) are allowed.**

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance".

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chukwuma O. Nwaonicha whose telephone number is 571-272-2908. The examiner can normally be reached on Monday thru Friday, 8:30am to 5:00pm.

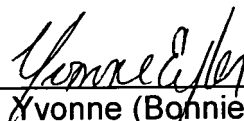
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yvonne (Bonnie) Eyler can be reached on 571-272-0871. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chukwuma O. Nwaonicha, Ph.D.  
Patent Examiner  
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Yvonne (Bonnie) Eyler  
Supervisory Patent Examiner,  
Technology Center 1600